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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,483	08/01/2003	Timothy F. Settle	39932/285866	3008
7590	02/10/2006		EXAMINER	NGUYEN, TU X
John S. Pratt, Esq. Kilpatrick Stockton LLP Suite 2800 1100 Peachtree Street Atlanta, GA 30309-4530			ART UNIT	PAPER NUMBER
			2684	
			DATE MAILED: 02/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/632,483	SETTLE, TIMOTHY F.	
	Examiner Tu X. Nguyen	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10-21 is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/4/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickelman (US Patent 6,104911) in view of Lo et al. (US Patent 6,487,183).

Regarding claim 1, Dickelman discloses a method for dynamically allocating network transport resources in a diverse satellite communications network including a plurality of satellites and a plurality of uplink stations, the method comprising:

allocating a satellite from the plurality of satellites for a file transmission (see col.7 lines 7-11);

allocating a channel of the satellite, a bandwidth, and a time slice for transmission (see col.15 lines 2-21 and col.16 lines 24-44);

providing information (see col.17 lines 27-34) concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers, each of which are coupled to one of the plurality of uplink stations.

Dickelman fails to disclose file transmission and to adjust the allocated bandwidth, time slice, or both in order to optimize file transmission over the network.

Lo et al. disclose file transmission and to adjust the allocated bandwidth (see col.6 lines 47-48, col.7 lines 3-14). Therefore, It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the system of Dickelman with the above teaching of Lo et al. in order to provide high resource efficiency as suggested by Lo et al. (see col.3 lines 30-31).

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickelman (US Patent 6,104911) in view of Lo et al. (US Patent 6,487,183) and further in view of Birdwell et al. (US Patent 6,002,852).

Regarding claim 2, the modified Dickelman fails to disclose contacting recipients of the file transmission in order to confirm receipt thereof.

Birdwell et al. disclose contacting recipients of the file transmission in order to confirm receipt thereof (see col.6 lines 49-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Dickelman with the above teaching of Birdwell in order to provide retransmission for clients who have not yet receiving a data.

Regarding claim 3, the modified Dickelman discloses contacting a group of recipients of the file to be transmitted over the network to inform the recipients of a transmission time (see Lo et al., col.4 lines 59-60).

Regarding claim 4, the modified Dickelman discloses sending an authorizing message before any file transmission over an uplink station (see Lo et al. col.8 lines 15-34).

Allowable Subject Matter

4. Claims 10-21 are allowed.
5. Claims 5-9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2684

The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 5, the prior arts fail to teach "determining which of the plurality of satellites serves clients on the client list", as cited in the claim.

Regarding independent claim 10, the prior arts fail to teach "for each request, identifying the client pools to which the clients on the client list belong", as cited in the claim.

Regarding independent claim 17, the prior arts fail to teach "the at least two local arbitration servers, each communicating with a satellite of the plurality of satellites and adapted to: dynamically evaluate each request for transmission to determine whether to overlay upon the allocations by the master arbitration server an adjusted allocation changing the time slice, the transfer rate, or both associated with each request", as cited in the claim.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



January 25, 2006

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